

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

The Apple iPod iTunes Antitrust Litigation

Stacie Somers,
Plaintiff,
v.
Apple, Inc.
Defendant.

NO. C 05-00037 JW
NO. C 07-06507 JW

**ORDER CONTINUING HEARING AND
CASE MANAGEMENT CONFERENCE
FOR THE DIRECT PURCHASERS'
ACTION; VACATING CASE
MANAGEMENT CONFERENCE FOR
THE INDIRECT PURCHASERS' ACTION**

On December 15, 2008, the parties in The Apple iPod iTunes Antitrust Litigation, Case No. C 05-00037 JW, are scheduled to appear for a hearing on Plaintiffs' Motion for Class Certification. On its own motion, the Court CONTINUES the Class Certification hearing to **December 16, 2008 at 2:00 p.m.** to provide the parties with sufficient time to present their case. The December 15, 2008 Case Management Conference is also CONTINUED to December 16, 2008, and will be held following the hearing on Class Certification.

On December 15, 2008, the parties in the related case, Stacie Somers v. Apple, Inc., Case No. C 07-06507 JW, are also scheduled to appear for a Case Management Conference. (See Docket Item No. 32.) The parties, however, have failed to timely file a Joint Case Management Statement. In light of the parties' failure to make this filing, the Court VACATES the December 15 Case Management Conference as to this case. The Court will set a new Case Management Conference, if

1 necessary, in its Order addressing Plaintiffs' Motion for Extension of Time to File and Modify
2 Briefing Schedule on Motion for Class Certification. (See Docket Item No. 36.)

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: December 10, 2008



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

- 2 Adam Richard Sand invalidaddress@invalidaddress.com
- Alreen Haeggquist alreenh@zhlaw.com
- 3 Andrew S. Friedman afriedman@bffb.com
- Bonny E. Sweeney bonnys@csgrr.com
- 4 Brian P Murray bmurray@murrayfrank.com
- Caroline Nason Mitchell cnmitchell@jonesday.com
- 5 Craig Ellsworth Stewart cestewart@jonesday.com
- Francis Joseph Balint fbalint@bffb.com
- 6 Helen I. Zeldes helenz@zhlaw.com
- Jacqueline Sailer jsailer@murrayfrank.com
- 7 John J. Stoia jstoia@csgrr.com
- Michael David Braun service@braunlawgroup.com
- 8 Robert Allan Mittelstaedt ramittelstaedt@jonesday.com
- Roy A. Katriel rak@katriellaw.com
- 9 Thomas J. Kennedy tkennedy@murrayfrank.com
- Tracy Strong tstrong@jonesday.com

10
11 **Dated: December 10, 2008**

Richard W. Wieking, Clerk

12
13 By: /s/ JW Chambers
14 **Elizabeth Garcia**
15 **Courtroom Deputy**

16
17
18
19
20
21
22
23
24
25
26
27
28